

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CIVIL CASE NO. 3:23CV272-HTW-LGI

NAACP, MISSISSIPPI NAACP, PLAINTIFFS
JACKSON NAACP, DERRICK JOHNSON,
FRANK FIGGERS, CHARLES TAYLOR
MARKYEL PITTMAN, CHARLES JONES

AND

UNITED STATES OF AMERICA PLAINTIFF INTERVENOR

VERSUS

SEAN TINDELL, COMMISSIONER OF DEFENDANTS
PUBLIC SAFETY; BO LUCKEY, CHIEF
OF THE OFFICE OF CAPITOL POLICE;
CHIEF JUSTICE MICHAEL K. RANDOLPH;
LYNN FITCH, ATTORNEY GENERAL

CONSOLIDATED WITH

JXN UNDIVIDED COALITION, PLAINTIFFS
MISSISSIPPI VOTES, PEOPLES
ADVOCACY INSTITUTE, MISSISSIPPI
POOR PEOPLES CAMPAIGN, BLACK VOTERS,
MATTER, RUKIA LUMUMBA, AREKIA
BENNETT-SCOTT, DANYELLE HOLMES

VERSUS

SEAN TINDELL, COMMISSIONER OF DEFENDANTS
PUBLIC SAFETY; BO LUCKEY, CHIEF
OF THE OFFICE OF CAPITOL POLICE

TRANSCRIPT OF STATUS CONFERENCE

BEFORE THE HONORABLE HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE

SEPTEMBER 5, 2023
JACKSON, MISSISSIPPI

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25

1 that case.

2 The number of cases out of the Eleventh Circuit,
3 specifically from Georgia, dealing with nonlawyer magistrate
4 appointments are the Mississippi equivalent of a special
5 master. Those are qualified by those courts as being employees
6 who answered directly to that judge in that case. I can't tell
7 you everything about 1020 or the judges that it contemplates,
8 but they are not the employees of the Chief Justice. They are
9 judges within the definition of the statute. They don't answer
10 day to day to the Chief Justice. The appointments are made by
11 the Chief Justice.

12 All of the cases that talk about special appointments or
13 appointments of trial judges, regardless of the qualifications
14 or their jurisdictional qualifications, uniformly hold them to
15 be judicial acts for purposes of immunity. I have nothing
16 further, Your Honor.

17 **MR. MARK NELSON:** May I say something on that, Your
18 Honor? Mark Nelson. I went back and looked at the amended
19 complaint, proposed amended complaint, which is filed as
20 Document 80-2, and as to my client, the Chief, Count 2 says
21 that he intentionally discriminates against the majority-Black
22 residents in violation of the Equal Protection Clause. Then
23 Count 3 says that Mike Randolph, the Chief Justice,
24 "discriminates against the majority-Black residents of Jackson
25 as protected by the Equal Protection Clause." It is only a

1 four-count complaint.

2 Then we flip over to the prayer for relief, Your Honor,
3 paragraph E, enjoining the Chief Justice from appointing anyone
4 under Section 1. Then you go to paragraph J, and it says,
5 enjoining the Chief Justice from appointing anyone under
6 Section 4. There is no declaratory relief asked by the Chief
7 Justice in this amended complaint. What it asks for is a
8 relitigation of the injunction provisions that Your Honor has
9 already addressed, that the Chief Justice is immune from that.

10 Now, I understand that my client wants to make a
11 statement. Do you want to do that? May we have leave to --

12 **THE COURT:** Why don't you hold off on that. Just
13 hold off on that. Thank you so much.

14 **MR. MARK NELSON:** May I answer any questions the
15 Court may have?

16 **THE COURT:** No, no. Thank you very much.

17 **(OFF-RECORD)**

18 **MR. LYNCH:** Your Honor, if I may, for purposes of
19 clarifying the record, Mr. Nelson got up and said that our
20 complaint says that the Chief Justice potentially
21 discriminates. That's not what it says in the part of the
22 complaint. It says that HB 1020 discriminates. We don't say
23 -- he misquoted what is in our complaint. And I want the
24 record to reflect that.

25 **THE COURT:** All right. Thank you. Is there any

1 disagreement to his last statement?

2 **MR. MARK NELSON:** Yes, sir. I read from the
3 complaint.

4 **THE COURT:** Pardon me?

5 **MR. MARK NELSON:** Yes, sir. I read from the
6 complaint. I can do it again. It is in black and white in the
7 motion for leave.

8 **MR. LYNCH:** Could you state the case again, please?

9 **THE COURT:** Let's get the record straight as to what
10 it says.

11 **MR. MARK NELSON:** Page 51, Count 2, it says that --
12 Count 2 under Section 1983, "1020's packing of the Hinds County
13 Circuit Court intentionally discriminates against the
14 majority-Black residents of Jackson on the basis of race in
15 violation of the Equal Protection Clause of the Fourteenth
16 Amendment of the United States Constitution. (Defendants Chief
17 Justice Michael K. Randolph and others, Greg Snowden, Liz
18 Welch, and John/Jane Does 1 through 4)." That's on page 51.

19 On page 52 of Document Number 80-2, it says, Count 3, 42
20 U.S.C., Section 1983, "HB 1020's creation of the CCID court
21 intentionally discriminates against the majority-Black
22 residents of Jackson on the basis of race in violation of the
23 Equal Protection Clause --

24 **THE COURT:** Slow down.

25 **MR. MARK NELSON:** I'm sorry. "(Defendants Chief

1 Justice Michael K. Randolph, Snowden, Welch, and John Doe)."

2 And then on page 58 is the prayer for relief, which begins
3 on page 57, "Wherefore, plaintiffs respectfully request that
4 this Court enter judgment in favor of the plaintiffs and
5 against defendants, as follows."

6 Paragraph E (sic): "Preliminarily and permanently enjoin
7 the Chief Justice from appointing any individual to become a
8 temporary special judge of the Hinds County Circuit Court under
9 HB 1020, Section 1."

10 Skipping over to page 59, at paragraph J: "Preliminarily
11 and permanently enjoin the Chief Justice's appointment of any
12 individual to become the CCID judge under HB 1020, Section 4."
13 That is what I wanted to point out to the Court.

14 **MR. LYNCH:** Judge, I think it is clear now that we
15 said that the statute does the discriminating, and we named the
16 people that we need relief from to alleviate that
17 discrimination. We are not saying that they personally are
18 discriminating. They are the executors of the statute, and
19 that's why they are in there.

20 I don't know why the Chief Justice keeps wanting to insist
21 that we are making allegations against him that we haven't
22 made. We have made some allegations against him, but these are
23 exaggerations.

24 **MR. MARK NELSON:** Your Honor, I will let that pass.

25 **THE COURT:** All right. The complaint itself is of

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3 CERTIFICATE OF COURT REPORTER
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5 I, Teri B. Norton, RMR, FCRR, RDR, Official Court
6 Reporter for the United States District Court for the Southern
7 District of Mississippi, appointed pursuant to the provisions
8 of Title 28, United States Code, Section 753, do hereby certify
9 that the foregoing is a correct transcript of the proceedings
10 reported by me using the stenotype reporting method in
11 conjunction with computer-aided transcription, and that same is
12 a true and correct transcript to the best of my ability and
13 understanding.

14 I further certify that the transcript fees and format
15 comply with those prescribed by the Court and the Judicial
16 Conference of the United States.

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19
20 *S/ Teri B. Norton*
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